

REMARKS

Claims 1, 10 and 12 are currently amended. Claims 1, 3, 9, 10, and 12-14 are currently pending.

35 USC § 103

Claims 1, 3, 9, 10, and 12-14 are currently rejected under 35 USC § 103 as being unpatentable over US Patent No. 3,893,847 (Derrick). The Office Action indicates that the claimed molecular weight of the polysaccharides and the proportions (0.5-8 wt.%) are close enough to those taught by Derrick that one skilled in the art would expect the product of the present invention to have the same properties as the product of Derrick. This rejection is traversed.

All of the products disclosed in Derrick are agglomerates that are indurated by heat. Derrick requires heating, and nothing in Derrick teaches or suggests that the process of Derrick could exclude the heating step. The Derrick agglomerates produce different properties than those of the claimed invention because of the way the agglomerates are produced and the resulting physical properties. The object of the disclosure of Derrick is to prepare agglomerates of higher strength and/or to reduced disintegration. To achieve this, Derrick teaches that an agglomerate formed from a mixture of finely ground metal, a high molecular weight water soluble polymer, and water and then the agglomeration is indurated by heat treatment. See Derrick at column 2 lines 57-64. The typical heat treatment can be as high as 1350°C. See Derrick at column 3, lines 5.

The Office Action asserts that Derrick teaches that pellets made from finely ground ore may be indurated by heating the pellets but that “nowhere is it taught that briquettes formed from coal dust are heated to this temperature.” The Applicants submit that Derrick teaches almost nothing at all about coal. Derrick provides no examples utilizing coal dust, and in fact mentions coal only once. In contrast, the general teaching of Derrick with regard to iron specifically and “finely ground minerals” generally (including coal dust) is that such minerals must be indurated by heat. The Specification does not deviate from this teaching in any way and states that fact 5 times.

Finally, Derrick teaches that the invention does not work when the pellets are not subjected to heat treatment. See Derrick at col. 4, lines 17-27. Derrick states that pellet breakage occurred in the temperature range of 290° to 460°C. The Specification then teaches that

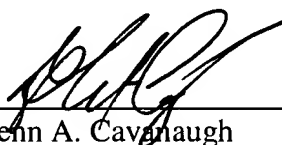
negligible disintegration occurred on heating to temperatures above 550°C. Derrick concludes that, "in order to demonstrate the effect of the pelletizing aid . . . it was only necessary to partially indurate the pellets by heating them to 550°C. See Derrick at col. 4, lines 22-27.

In contrast to this, the claimed invention is amended to recite the exclusion of heating the synthetic fuel. Support for this amendment is found throughout the Specification and specifically at paragraphs 25-29. The specification recites the steps for preparing the synthetic fuel and does not recite a heating step. Paragraph 49-51 recites the method for making the synthetic fuel and paragraph 52 recites alternate approaches to preparing the synthetic fuel, none of which mention a heating step. Specifically paragraph 51 recites "compacting the composition, thereby forming the synthetic fuel composition." The use of the word "thereby" clearly indicates that heating steps are not used to prepare the synthetic fuel compositions. Additionally, the Examples are compacted utilizing a 2 ton press and do not disclose a heating step and are then subjected to a series of analytical tests to "determine differences in chemical structure." Finally, the claims, and entire Specification are directed toward a fuel and its preparation. The elimination of a heating step is crucial to the preparation of a fuel because the heating step itself would require energy or fuel.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 18-1160.

Respectfully submitted,

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